

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

ALVIN MAURICE HAILEY : CIVIL ACTION
v. :
C.O. FRED BEARD, et al. : NO. 19-2171

ORDER

AND NOW, this 23rd day of January 2020, upon considering Defendants' Motion to dismiss (ECF Doc. No. 31) the second amended Complaint (ECF Doc. No. 30), with Plaintiff failing to respond, and for reasons in the accompanying Memorandum, it is **ORDERED** Defendants' Motion to dismiss (ECF Doc. No. 31) is **GRANTED in part** and **DENIED in part**:

1. Defendants' Motion (ECF Doc. No. 31) is **GRANTED** as to Plaintiff's:
 - a. claims against Major Carbo, Captain Berger, and Officer Errington; and,
 - b. *Monell* supervisory liability claims;
 2. Defendants' Motion (ECF Doc. No. 31) is **DENIED** as to the remaining claims and the remaining Defendants shall file an Answer no later than **February 6, 2020**.


KEARNEY, J.